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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,967	08/22/2001	Charles A. Finn	01-2827-64	9064

7590 03/23/2004

John E. Wagner, Esq.
LAW OFFICES OF JOHN E. WAGNER
3541 Ocean View Boulevard
Glendale, CA 91208

EXAMINER

DUONG, THANH P

ART UNIT	PAPER NUMBER
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1764

DATE MAILED: 03/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/934,967

Applicant(s)

FINN, CHARLES A.

Examiner

Tom P Duong

Art Unit

1764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9,10,14,15,17,18,20-22,24,26,27,33 and 34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9,10,14,15,17,18,20-22,24,26,27,33 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

In view of the second proposed amendment under 37 C.F.R. 1.116 filed on January 22, 2004, PROSECUTION IS HEREBY REOPENED. The final rejection dated on September 17, 2003 is withdrawn. New grounds of rejection are set forth below to address new limitations as proposed in the amendment.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 1 and 10, the recitation of a "shaft attachment surface" and "weight member support extends from the shaft attachment surface" is inaccurate and indefinite. It is not clear what is meant by "weight member support extends from the shaft attachment surface." It is best understood by examiner that the weight support member extends laterally from the back side of the striking face, and the shaft attachment surface is the top surface of the striking face or the top surface of the putter head body.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7, 9-10, 14-15, 17-18, 20-22, 24, 26-27, and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paquette (5,308,069). Regarding claims 1-2, 6, 10, 14-15, 20, 24, and 33-34, Paquette discloses a golf putter comprising a striking member, generally horizontal soleplate (Fig. 1), and a U-shape, rectangular bar weight structure having legs (32,34) extension to facilitate the attachment of the bar 30. Note, the legs (32,34) provide the function of supporting an attachment bar 28 similar to a weight member support 24 of the claimed invention supporting the weight member (elongated cylindrical weight 26). Note also that the bar 30 can be seen in Figures 1 and 3 to have no supports under each of its ends. Whether the attachment bar 30 (weight member) is supported by a single, central support member (T-shaped) as claimed or having other supporting means such as a pair of legs (32,34) at its ends (U-shaped) appear to be an obvious matter of design choice to one having ordinary skill in the art; just as long as the single supporting member or a plurality supporting members provide adequate support to the weight member to ensure a balanced putter (Col. 1, lines 38-45), which is more forgiving if the ball is not struck precisely at the "sweet spot" (Col. 1, lines 16-25). (See USPN 5,700,207 and USPN 5,716,290 for single, central

support member). Regarding claim 3, Paquette discloses a putter bight portion or the weighted bar is two inch long which is approximately half the length of the face. (Col. 3, lines 4-19). Regarding claims 4 and 26, the selection of a bar or a cylindrical shape for the weight member is a matter of design choice selection since both a bar or a cylindrical weight member provides the same functions of balancing the putter head. Regarding claims 5 and 27, Paquette provides sufficient legs (32,34) extension to facilitate the attachment of the bar 30 and it would be obvious to have the claimed support member with sufficient extension to facilitate the attachment of the elongated cylindrical weight. Regarding claims 6, 10, and 21, Paquette discloses the mass distribution increases in the direction going from top surface of the face to the sole and it would be obvious in the claimed invention to mount the balanced weight structure at the top striking face surface for higher center of gravity. Regarding claims 7, 9, 18, and 22, Paquette shows recesses (46, 48) functionally equivalent to the bore, to accommodate the legs or support member. Regarding claim 17, it is conventional use a higher density weight member than the rest of the club body and it would be obvious to do here to control weight distribution. Regarding claim 20, it is conventional to provide a hosel member to a club head and it would have been obvious to provide such hosel to facilitate attachment and/or support the shaft.

Response to Arguments

Applicant's arguments with respect to claims 1-7, 9-11, 13-15, 17-18, 20-27, and 33-35, have been considered but are moot in view of the new ground(s) of rejection.

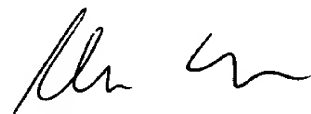
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom P Duong whose telephone number is (571) 272-2794. The examiner can normally be reached on 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on (571) 272-1444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TD
March 17, 2004



Glenn Caldarola
Supervisory Patent Examiner
Technology Center 1700